

Remarks:

1. Applicant thanks the Examiner for forwarding the Advisory Action on August 24, 2007, by facsimile due to the unavailability of the Advisory Action in electronic form from the USPTO.

2. Applicant has reviewed the Advisory Action. In the Advisory Action the Examiner has not presented new grounds of rejection.

The Examiner is of the opinion that the further limitations introduced by the amendment raises a new issue. In the absence of an articulated further rejection relating to a new issue mentioned by the Examiner, Applicant is respectfully unable to address the Examiner's objection.

Therefore, without prejudice, Applicant respectfully submits that Applicant has every intent to advance prosecution and further submits that Applicant respectfully believes that resubmitting previous arguments submitted in response to the final Office Action are constructive towards a responsive response thereto.

3. Claims 1 to 17 are pending in the application. Claims 1 to 17 stand twice rejected.

4. Independent claims 1, 12, and 17 have been amended in format only, without prejudice, to refocus claims to subjecting a wireless device to a radiated performance test under controlled test conditions.

Amended independent claims 1, 12, and 17 clarify that the radiated performance test is performed under controlled test conditions, that the test script is a radiated performance test result accumulation script initiated after a predetermined interval, and that the wireless device is subjected to a radiated performance test. Support for the amendments is found in the originally filed application at paragraph 2 on page 1 and the penultimate paragraph on page 2.

Dependent claims 4 and 5 have been amended to address antecedent basis for "test results".

5. It is submitted that no additional subject matter has been introduced by the amendment.

Arguments:

6. Having reviewed the Examiner's response to previous arguments, Applicant notes that the Examiner continues to equate a self-test performed by a mobile station to subjecting a wireless device to a radiated performance test, and maintains that the triggering of self-test result transmission teaches starting test result accumulation after a predetermined interval. Without prejudice, Applicant respectfully disagrees and respectfully re-submits previous arguments along with clarifying claim amendments which raise serious questions regarding the applicability of the Koivukangas cited reference.

6. The requirements of 35 U.S.C. 102(e) are strict. The alleged prior art must disclose all the features claimed. "A claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference".

Verdegaard Bros. v. Union Oil Co. of California, 2 USPQ2d 1051.

7. Amended independent claims 1, 12, and 17 relate to radiated performance testing of a wireless device under controlled test conditions.

Koivukangas teaches away by teaching "in use" testing of a mobile device in order to address service related customer complaints. While such service layer testing of overall mobile device functionality in-use is important, such testing has meaning only when compared to physical layer testing under controlled test conditions.

It is respectfully submitted that in view of the amended claims, the Koivukangas reference is non-analogous as it does not teach radiated performance testing under controlled test conditions.

8. Amended independent claims 1, 12, and 17 comprise employing a radiated performance test result accumulation script as the wireless device is subjected to a radiated performance test under controlled test conditions.

Koivukangas teaches away by teaching employing mobile device self-testing, as the Examiner points out when the mobile device malfunctions, in the hope of addressing service level complaints during the intended use of the mobile station 'in the field'. At paragraph [0027] Koivukangas teaches "internal self-test programs (e.g. memory errors, abnormal program

conditions, and terminations ..." which are stored in Product Performance Counters which Koivukangas teaches at paragraph [0023] "provide information regarding the wireless network quality..."

It is respectfully submitted that because Koivukangas does not teach subjecting a wireless device to a radiated performance test under controlled conditions, the Product Performance Counters taught by Koivukangas do not relate to radiated performance test results obtained while the wireless device is subjected to a radiated performance test under controlled test conditions.

It is respectfully submitted that the Examiner has failed to produce prior art teaching employing a radiated performance test result accumulation script at a wireless device while the wireless device is subjected to a radiated performance test under controlled test conditions.

9. Amended independent claims 1, 12, and 17 comprise running a radiated performance test result accumulation script as the wireless device is subjected to a radiated performance test, both the radiated performance test result accumulation script and the radiated performance test being started after a predetermined interval.

Koivukangas teaches away by teaching the use of a timer to trigger the transmission of self-test results for further analysis. Therefore Koivukangas does not teach starting a radiated performance test result accumulation script and starting a radiated performance test after a predetermined interval.

Therefore it is respectfully submitted that the Examiner has failed to produce prior art teaching of running a radiated performance test result accumulation script as the wireless device is subjected to a radiated performance test, both the radiated performance test result

accumulation script and the radiated performance test being started after a predetermined interval.

10. In conclusion, Applicant respectfully submits that the Examiner has failed to produce prior art teaching of:

- radiated performance testing under controlled test conditions;
- employing a radiated performance test result accumulation script at a wireless device while the wireless device is subjected to a radiated performance test under controlled test conditions; and
- running a radiated performance test result accumulation script as the wireless device is subjected to a radiated performance test, both the radiated performance test result accumulation script and the radiated performance test being started after a predetermined interval.

Applicant respectfully submits that the Examiner has failed to produce prior art teaching disclosing all claimed features of independent claims 1, 12, and 17.

Applicant respectfully submits that the amended claims 1, 12, and 17 are novel over the cited Koivukangas reference.

11. Dependent claims 2 to 11, and 13 to 16 are variously dependent from amended independent claims 1 or 12, and include limitations thereof.

Without prejudice, Applicant respectfully submits that dependent claims 2 to 11, and 13 to 16 are novel over the cited Koivukangas reference.

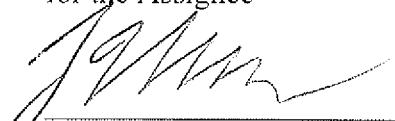
12. In view of the above belief that dependent claim 10 is novel, the Examiner's obviousness rejection of dependent claim 10 is respectfully traversed without prejudice.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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for the Assignee



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